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NOTICE OF ALLOWANCE AND FEE(S) DUE

27964

7590

12/29/2010

HITT GAINES P.C.
P.O. BOX 832570
RICHARDSON, TX 75083

EXAMINER

FRANKLIN, RICHARD B

ART UNIT

PAPER NUMBER

2181

DATE MAILED: 12/29/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,628	03/31/2004	Simon Knowles	ICER-321538	3813

TITLE OF INVENTION: APPARATUS AND METHOD FOR CONTROL PROCESSING IN DUAL PATH PROCESSOR

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	03/29/2011

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
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or Fax **(571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

27964 7590 12/29/2010

HITT GAINES P.C.
P.O. BOX 832570
RICHARDSON, TX 75083

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/813,628 03/31/2004 Simon Knowles ICER-321538 3813

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nonprovisional	YES	\$755	\$300	\$0	\$1055	03/29/2011

EXAMINER	ART UNIT	CLASS-SUBCLASS
FRANKLIN, RICHARD B	2181	712-215000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2
3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____
Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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27964	7590	12/29/2010	EXAMINER	
HITT GAINES P.C. P.O. BOX 832570 RICHARDSON, TX 75083			FRANKLIN, RICHARD B	
			ART UNIT	PAPER NUMBER

2181

DATE MAILED: 12/29/2010

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

10/813,628

Applicant(s)

KNOWLES, SIMON

Examiner

RICHARD B. FRANKLIN

Art Unit

2181

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the RCE filed 02 November 2010.
2. ☒ The allowed claim(s) is/are 1-29.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date ____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

DETAILED ACTION

1. Claims 1 – 29 are pending.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02 November 2010 has been entered.

Response to Arguments

3. Applicant's arguments filed 02 November 2010, with respect to claims 1 – 29 have been fully considered and are persuasive. The rejection of the claims has been withdrawn.

Allowable Subject Matter

4. Claims 1 – 29 are allowed.
5. The following is an examiner's statement of reasons for allowance:

Claim 1 is allowed because the prior art of record fails to teach or suggest alone or in combination ***a first processing channel comprising a plurality of functional units and operable to perform control processing operations responsive to***

control instructions dedicated to program flow and branch and address generation; and wherein the decode unit is operable to receive instruction packets sequentially and to detect if each instruction packet is of a first class which defines (i) at least two said control instructions or a second class which defines (ii) a plurality of instructions one or more of which is a data processing instruction, the decode unit using at least one identification bit at a predetermined bit location in the packet for detecting id the instruction packet is of the first or second class, and wherein said control instructions have a bit length less than the data processing instructions, as required by independent claim 1, ***in combination with the other claimed limitations*** (emphasis added). Support for the above limitations can be found in the originally filed specification at page 8 lines 21 – 22 and page 9 lines 5 – 17. The prior art of record, US Patent No. 7,234,042 (hereinafter Wilson) in combination with US Patent No, 6,292,845 (hereinafter Fleck), teaches that a first and second processing channel processes different types of instructions (Wilson; Figure 1 Items 6_x and 8_x, Col 4 Lines 7 – 10) (Wilson; Figure 1 Items 6_y and 8_y, Col 4 Lines 7 – 10) and detecting whether the instruction packets are of a first class or a second class based on a bit of the instruction packet (Wilson; Col 4 Lines 48 – 51), but does not teach that the control instructions are dedicated to program flow and branch and address generation and that the control instructions which go into the definition of the different classes of instruction packets are dedicated to on program flow and branch and address generation, and that the control instructions have a bit

length less than that of the data processing instructions, as required by independent claim 1.

Claims 2 – 25 are also allowed because of their dependency upon allowed independent claim 1.

Claim 26 is allowed because the prior art of record fails to teach or suggest alone or in combination ***first and second processing channels, each having a plurality of functional units, wherein the first processing channel is capable of performing control processing operations responsive to control instructions dedicated to program flow and branch and address generation and decoding each instruction packet in turn at a decode unit by determining if the instruction packet is of a first class which defines (i) at least two said control instructions; or is of a second class which defines (ii) at least one data processing instruction, and the decode unit using at least one identification bit at a predetermined bit location in the packet for detecting if the instruction packet is of the first or second class; and wherein said control instructions have a bit length less than said data processing instructions***, as required by independent claim 26, ***in combination with the other claimed limitations*** (emphasis added). Support for the above limitations can be found in the originally filed specification at page 8 lines 21 – 22 and page 9 lines 5 – 17. The prior art of record, Wilson in combination with Fleck, teaches that a first and second processing channel processes different types of instructions (Wilson; Figure 1 Items 6_x and 8_x, Col 4 Lines 7 – 10) (Wilson; Figure 1 Items 6_y and 8_y, Col 4 Lines 7 – 10) and

detecting whether the instruction packets are of a first class or a second class based on a bit of the instruction packet (Wilson; Col 4 Lines 48 – 51), but does not teach that the control instructions are dedicated to program flow and branch and address generation and that the control instructions which go into the definition of the different classes of instruction packets are dedicated to on program flow and branch and address generation, and that the control instructions have a bit length less than that of the data processing instructions, as required by independent claim 26.

Claims 27 and 28 are also allowed because of their dependency upon allowed independent claim 26.

Claim 29 is allowed because the prior art of record fails to teach or suggest alone or in combination ***a first class of instruction packets each comprising two or more control instructions for execution sequentially, wherein said control instructions are dedicated to program flow and branch and address generation, and a second class of instruction packets each comprising at least a data processing instruction and a further instruction for execution contemporaneously, wherein instruction packets contain at least one identification bit at a predetermined bit location in the packet for detecting if the instruction packet is of the first or second class, and wherein said control instructions have a bit length less than said data processing instructions***, as required by independent claim 29, ***in combination with the other claimed limitations*** (emphasis added). Support for the above limitations can be found in the originally filed specification at page 8 lines 21 – 22

and page 9 lines 5 – 17. The prior art of record, Wilson in combination with Fleck, teaches that a first and second processing channel processes different types of instructions (Wilson; Figure 1 Items 6_x and 8_x, Col 4 Lines 7 – 10) (Wilson; Figure 1 Items 6_y and 8_y, Col 4 Lines 7 – 10) and detecting whether the instruction packets are of a first class or a second class based on a bit of the instruction packet (Wilson; Col 4 Lines 48 – 51), but does not teach that the control instructions are dedicated to program flow and branch and address generation and that the control instructions which go into the definition of the different classes of instruction packets are dedicated to on program flow and branch and address generation, and that the control instructions have a bit length less than that of the data processing instructions, as required by independent claim 29.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RICHARD B. FRANKLIN whose telephone number is (571)272-0669. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alford Kindred can be reached on (571) 272-4037. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Supervisory Patent Examiner, Art Unit 2181